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FM AMEMBASSY HARARE

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STATE PASS TO USAID FOR L. DOBBINS AND E. LOKEN

STATE PASS TO DOL FOR S. HALEY

E.O. 12958: N/A

TAGS: PHUM PGOV KDEM ASEC UN ZI

SUBJECT: ZIM OFFICIALS MISTREAT, DEPORT UN SPECIAL RAPPORTEUR ON TORTURE

SUMMARY

¶1. (SBU) The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, was deported from Zimbabwe on October 29 after officials at the Harare International Airport refused him entry the previous evening. He was scheduled to visit Zimbabwe October 28 through November 4 at the invitation of Minister of Justice Patrick Chinamasa (ZANU-PF). His invitation, however, was rescinded on October 26 when the government told him to postpone his trip. Nowak delayed a day and came to Harare on October 28 after receiving an invitation to meet with Prime Minister Morgan Tsvangirai. END SUMMARY.

"Serious Diplomatic Incident"

¶2. (U) Manfred Nowak, an Austrian human rights lawyer and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment was deported from Zimbabwe on the morning of October 29 after being detained in the airport VIP lounge overnight. Nowak told a reporter that it was a "serious diplomatic incident."

¶3. (SBU) Nowak and two assistants arrived at Harare International Airport at 9:20 p.m. local time on October 28 on the last flight of the day from Johannesburg, South Africa. Security officials blocked Nowak's entry and berated him in the baggage collection area before ordering him to a private office in the airport. When Nowak explained that he had a letter of invitation from Prime Minister Morgan Tsvangirai, a security official responded that the Ministry

of Foreign Affairs (MFA) had not cleared the meeting. The UN Deputy Resident Representative, Lare Sisay, was at the airport to receive Nowak, but security officials denied him access to Nowak and his delegation. (NOTE: Nowak arrived on the same flight as officials from the Southern Africa Development Community (SADC) Troika, who observed the incident. END NOTE.)

Nowak is Furious

¶ 14. (SBU) On arrival in Johannesburg on October 29, Nowak told journalists that he had "never been treated as rudely by any government as the Government of Zimbabwe." He further explained that while he was detained in the airport, he phoned Tsvangirai's aides who sent a delegation to get him. On arrival, however, security officials refused to grant the delegation access to the airport interior and denied knowing Nowak's whereabouts. Nowak also told the press that if the Prime Minister "is not in a position to clear my entrance to the country, that is a very, very alarming signal about the power structure of the government."

Government Invited, then Un-invited Nowak
QGovernment Invited, then Un-invited Nowak

¶ 15. (SBU) Minister of Justice Patrick Chinamasa (ZANU-PF) had invited Nowak to visit Zimbabwe October 28-November 4 on an official fact-finding mission. The visit came as a surprise to many, as it was the first invitation from the Zimbabwean government to an

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official working for the UN's Human Rights Council. According to Sisay, Chinamasa apparently made the invitation in an effort to regularize relations with human rights bodies without understanding that, under the terms of reference, Nowak would have free reign to speak with whomever he chose during his visit. Rather, the government believed it could control his schedule and limit his access to torture victims and the NGOs that assist them. Sisay believes that when the ZANU-PF elements of the government figured out they could not control Nowak's schedule, they turned off the visit. Nowak told journalists at his Johannesburg press conference that "there are certainly some parts of the government who do not want me to assess the current conditions of torture."

¶ 16. (U) On October 26, the Ministry of Foreign Affairs contacted Nowak's Geneva office and asked him to postpone his visit, stating that the government "regrets to advise that due to the previously unanticipated consultative process... the Government of Zimbabwe will be unable to receive the Special Rapporteur on the proposed dates." Nowak only learned that the GOZ was rescinding his invitation after he had arrived in Johannesburg in transit to Harare. Joey Bimha, the Permanent Secretary in the Ministry of Foreign Affairs, told the press on October 29, "We had no option but to send (Nowak) back because we had informed him that his services were no longer needed here." Sisay told us he spoke with the Ministry of Foreign Affairs today to seek an explanation of GOZ actions. An official told him the visit was inopportune because government officials needed to attend to the visiting SADC Troika delegation. When Sisay responded that the SADC visit would only last a day or two but that Nowak was scheduled to be in Harare for almost a week, there was no reply.

¶ 17. (SBU) Commenting on the incident in the press, MDC Spokesman Nelson Chamisa described it as "an act of recklessness by ZANU-PF." He continued, "How on earth can we attract investment when we shun good will? Investors want confidence and there is no way you can build that when Zimbabwe behaves like another Burma."

COMMENT

¶ 18. (SBU) This is just the latest example of the rapidly escalating tension in Zimbabwe in the aftermath of the MDC's decision to

disengage from ZANU-PF. In addition, it is notable that a letter of invitation from the Prime Minister was completely disregarded by the "security officers" at the airport who went on to lie to Tsvangirai's delegates about Nowak's whereabouts. Despite visits earlier this year by prominent human rights figures including Amnesty International's Secretary General, the window of political space is quickly shrinking as ZANU-PF digs in and asserts its power in the increasingly shaky "inclusive" government. END COMMENT.

PETTERSON